



## Melville Marine Industries

March 4, 1992

Louise Durfee, Director  
Rhode Island DEM  
9 Hayes Street  
Providence, RI 02908

Dear Louise:

On behalf of Ted Hood and Everett Pearson of Melville Marine Industries, I would like to thank you for meeting with us and members of the Naval Facilities Command on January 24, 1992.

During that meeting it became clear that the DEM will not consider the proposal that Dean Coker advanced wherein the landfill be closed using DEM's landfill closing regulations. Based upon the Navy's statements at the meeting, it also appears that they must follow a CERCLA-like process to spend Federal funds. It was our conclusion that you are urging us to wait until the EPA ranks the site and then follow EPA's administration of the CERCLA process.

The problem we face is that none of these conclusions bring resolution of our problem into any clearer focus. As Dean remarked, testing and evaluation of this site has gone on for nine years and, notwithstanding the expense and delay that has already been incurred, your staff made it clear at the meeting that they want even more.

We find this very frustrating because from our point of view, at a minimum, the primary decision makers -- you, the Navy, and Melville, should have been able to arrive at a skeletal plan of action. Your staff could have, we believe, given you guidance prior to the meeting that would have enabled that to occur. We believe this did not occur because your staff spent most of its time making comments designed to cast greater doubts about the prospects of resolution and further obscured the prospect of arriving at a plan of action by talking about threats of liability and unknown actions that might be taken by the EPA at some unknown time in the future. We believe they are doing this because they are still working under overly conservative assumptions and have not given "quality time" to the actual data produced by the Navy's Remedial Investigation. Richard Hittinger met with Warren Angell and three other staff members regarding their comments at our meeting with you where they concluded that contrary to Hittinger's unilateral ranking of 3, they thought it would be ranked much higher. Richard reports that it appeared to him that your staff had little "real data" upon which to base their assumptions, that they relied on the most conservative assumptions possible, including one that suggests 1,600 water wells on Prudence Island might be contaminated by this facility. What little they had, they were unwilling to disclose to Richard saying that they are internal documents. We are disturbed that, in good faith, we provided Warren Angell with ESS's hazardous ranking evaluation prior to our meeting with you, but your staff refuses to give us access to information which is "the basis" for their challenging and disputing the findings of the ESS report.

We believe that the Remedial Investigation study defines a landfill typical of many landfills where people have disposed of waste oil, paints, pesticides, and other harmful products. Many similar landfills have been closed and many have been converted to secondary uses. The proposed use of 96% of the site is for a parking lot.

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To wait for the EPA to sign-off before DEM agrees to do anything is safe for the DEM but potentially disastrous and minimally unfair to Melville Marine Industries. In the absence of EPA oversight, we believe the site should be regulated by the DEM and that the DEM should step forward and, under Rhode Island statute and regulation, guide the Navy through its paces with clarity, speed and no superfluous testing designed to delay the Navy from bringing this problem to resolution.

In closing, we must again reiterate that the EPA is no longer the lead agency and, if in the future it does reenter the picture and recommends further actions, that the planned use for the site will accommodate that prospect. We believe that with DEM's oversight actions can be taken that will turn this landfill into a parking lot for what can become Rhode Island's newest waterfront recreation facility. Based upon the work of our scientific experts, this site should not be an obstacle to the greater good provided by the project. It should be noted that this is not an exclusive or private facility, but a place for everyone to come and enjoy. This project will make available to the public almost a mile of Narragansett Bay for the first time in this century!

At the risk of being redundant, we are not looking to skirt any applicable regulations, but conversely, we are asking that the DEM step forward and apply clear and timely guidance to the Navy's effort to resolve this problem. It should be clear that this concern is very important to us. Your comment as to how to resolve our dilemma is invited.

Sincerely,

*Stephen Sedgwick*

Stephen H. Sedgwick  
Manager

SHS/sjy

cc: Al Haring, Navy Facilities Command  
Dean Coker